

87th Legislative Session – 2012

Committee: Senate Agriculture and Natural Resources

Tuesday, February 07, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Begalka
P Frerichs
P Frysliie
P Hansen (Tom)
P Rampelberg
P Rhoden
P Vehle
P Maher, Vice-Chair
P Krebs, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Shantel Krebs, Chair.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 2, 2012

Moved by: Hansen (Tom)
Second by: Vehle
Action: Prevailed by voice vote.

SB 169: create certain watershed districts.

Presented by: Senator Tom Hansen
Proponents: Paul Symens, Self, Amherst, SD
Senator Al Novstrup
Chad Johnson, Self, Conde
Doug Somhke, Self, Groton
Johnny Kerstiens, SD Farmers Union
Opponents: Matthew McCaulley, SD Corn Growers Assn. (Handouts: #1)

FOLLOWING ASKED TO COME FOWARD TO ANSWER QUESTIONS:

Garland Erbele, Department of Environment and Natural Resources
David Templeton, Department of Environment of Natural Resources

MOTION: AMEND SB 169

169ta

On page 1, after line 15 of the printed bill, insert:

" Section 2. That chapter 46A-14 be amended by adding thereto a NEW SECTION to read as follows:

There is hereby established the Regional Watershed Advisory Task Force. The task force shall consist of the following fourteen members:

- (1) The speaker of the House of Representatives shall appoint four members of the House of Representatives, no more than two of whom may be from one political party;
- (2) The speaker of the House of Representatives shall appoint three members of the general public. At least one of the members shall have a background in natural resources law, science, or management, and at least one of the members shall have an agricultural or business background;
- (3) The president pro tempore of the Senate shall appoint four members of the Senate, no more than two of whom may be from one political party; and
- (4) The president pro tempore of the Senate shall appoint three members of the general public. At least one of the members shall have a background in natural resources law, science, or management, and at least one of the members shall have an agricultural or business background.

The initial appointments shall be made no later than July 1, 2012, and shall serve until January 12, 2013. The speaker of the House of Representatives and president pro tempore of the Senate, before the close of each regular session of the Legislature held in odd-numbered years, shall appoint members to the task force for a term of two years. If there is a vacancy on the task force, the vacancy shall be filled in the same manner as the original appointment.

Section 3. That chapter 46A-14 be amended by adding thereto a NEW SECTION to read as follows:

The Regional Watershed Advisory Task Force established pursuant to section 2 of this Act shall advise the James River Watershed District created pursuant to section 1 of this Act and any other new or existing watershed district created pursuant to chapter 46A-14 on matters relating to drainage,

erosion, flood control, reclamation, environmental protection, and improvement of lands, soils, waters, and all other authorized purposes. In addition, the task force shall consider potential alternative organizational structures and entities appropriate to address such issues. The task force shall report to the Senate and House of Representatives and may submit a copy of its report to the Governor. The task force may present draft legislation and policy recommendations to the Legislative Research Council Executive Board. The task force shall make recommendations in the following areas:

- (1) The proper role, purposes, structure, powers, boundaries, and financing for regional and local watershed districts and the relationship of such districts to other types of water and natural resources-related special purpose districts;
- (2) The role of watershed districts and other state and local government entities with respect to drainage issues, including drainage planning and management, resolution of drainage disputes, and recommendations for potential realignment of responsibilities for drainage matters; and
- (3) Potential alternative organizational structures, entities, and strategies appropriate to address statewide, regional, and local issues relating to water and natural resources conservation, protection, management, and use."

Moved by: Maher
Second by: Frerichs
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Begalka, Frerichs, Fryslie, Hansen (Tom), Rampelberg, Rhoden, Vehle, Maher, Krebs

MOTION: DO PASS SB 169 AS AMENDED

Moved by: Maher
Second by: Hansen (Tom)
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Begalka, Frerichs, Fryslie, Hansen (Tom), Rampelberg, Rhoden, Vehle, Maher, Krebs

MOTION: AMEND TITLE OF SB 169

169tta

On page 1, line 1, of the printed bill, after "districts" insert "and to establish the Regional Watershed Advisory Task Force".

Moved by: Hansen (Tom)
Second by: Frerichs
Action: Prevailed by voice vote.

SB 160: create the North Central Water Development District, to provide for the appointment of the board of directors, to establish certain property tax levy limitations, and to revise the boundaries of the James River Water Development District.

Presented by: Senator Al Novstrup (Handouts: #2, #3, #4)
Proponents: Paul Symens, Marshall County Commission
Brian Johnson, Spink County Commission
Opponents: Jay Gilbertson, East Dakota Water District
Representative H. Paul Dennert

MOTION: AMEND SB 160

160fa

On page 1, line 9, of the printed bill, delete ", Marshall,".

On page 1, line 9, after "counties" insert "; Dayton, Hamilton, Hickman, Lahe, Lowell, Newport, Red Iron Lake, Sisseton, Stena, Waverly, and Weston townships in Marshall County; Buffalo township, except sections 19, 20, and 25 to 36, inclusive, in Marshall county; DuMarce township, except sections 1, 2, 3, and 10 to 14, inclusive, in Marshall County; Eden township, except sections 23, 24, and 31 to 36, inclusive, in Marshall County; Fort township, except sections 26 to 29, inclusive, and 32 to 36, inclusive, in Marshall County; LaBelle township, only sections 29, 32, and 33 in Marshall County; McKinley township, only sections 19 and 30 to 35, inclusive, in Marshall County; Miller township, except sections 1, 2, 11 to 14, inclusive, and the north half of 24 in Marshall County; Newark township, except sections 1 to 6, inclusive, 10 to 15, inclusive, 22 to 26, inclusive, 35, and 36 in Marshall County; Nordland township, only section 18 in Marshall County; and Pleasant Valley township, except sections 1 to 9, inclusive, 12, 17, 18, and 19 in Marshall County".

Moved by: Hansen (Tom)
Second by: Maher
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 160 TO THE 41ST LEGISLATIVE DAY

Moved by: Rhoden
Second by: Frerichs
Action: Prevailed by roll call vote. (6-3-0-0)

Voting Yes: Frerichs, Hansen (Tom), Rampelberg, Rhoden, Vehle, Maher

Voting No: Begalka, Fryslie, Krebs

MOTION: ADJOURN

Moved by: Rhoden
Second by: Frerichs
Action: Prevailed by voice vote.

Cindy Louder
Committee Secretary

Shantel Krebs, Chair